



PATENT
BHG&L Case 659/928

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul T. Van Gompel et al. : Confirmation No. 2410
Serial No.: 10/005,522 : K-C Docket 9733.5
Filed: December 3, 2001 : Group Art Unit 3761
For: SANITARY NAPKIN WITH
GARMENT ATTACHMENT
PANELS : Examiners Dennis Ruhl
and Weilun Lo

DECLARATION OF BETSY C. WESTLAKE UNDER 37 CFR 1.131

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

BETSY C. WESTLAKE declares as follows:

1. I am a joint inventor of the invention described in this Application Serial No. 10/005,522, and a joint applicant for this Application. I have been continuously employed by Kimberly-Clark Corporation, the parent corporation of the assignee of this Application, Kimberly-Clark Worldwide, Inc., since 1990.
2. On information and belief, I state that our original Application, Serial No. 07/954,524, was filed September 30, 1992 (K-C Docket No. 9733), by Paul T. Van Gompel, Julie T. Brocker, Lori S. Schutkoske and me, and was thereafter abandoned. On information and belief, the present Serial No. 10/005,522, was filed December 3, 2001 (K-C Docket No. 9733.5), in the names of Paul T. Van Gompel, Julie T. Brocker, Lori S. Schutkoske and me, and claims domestic priority under 35 USC 120 of our original Application, Serial No. 07/954,524, filed September 30, 1992, and had the same specification and drawings when filed as Application Serial No. 07/954,524.

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3. I understand that this Application Serial No. 10/005,522 has an effective filing date of September 30, 1992, the date that Application Serial No. 07/954,524 was filed.

4. My attention has been called to Menard U.S. Patent 6,231,554, issued May 15, 2001, but claiming a U.S. effective filing date of September 27, 1991, hereinafter "Menard".

5. It is my understanding that Claims 35-44 of our Application Serial No. 10/005,522 have been rejected under 35 USC 103(a) as unpatentable over Menard and another U.S. Patent 4,608,047 to Mattingly; that, as discussed above in Paragraphs 2 and 3, the effective date of our Application is September 30, 1992; and that the effective date of Menard as a reference against our application is its filing date, September 27, 1991.

6. It is my understanding that Menard can be antedated by declarations under 37 CFR 1.131, showing facts from which it may be concluded that either (a) we reduced our invention to practice in the United States prior to September 27, 1991, the effective date of Menard as a reference, or (b) we conceived our invention in the United States prior to September 27, 1991, and continued our activity in the United States with respect to the invention with diligence to a subsequent reduction to practice of the invention in the United States or to the filing of our Application Serial No. 07/954,524, on September 30, 1992.

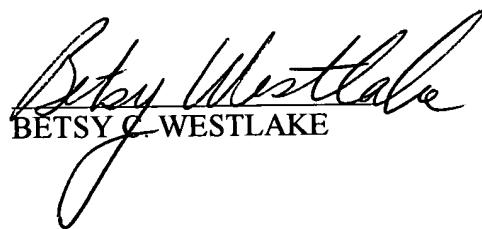
7. On information and belief, Paul T. Van Gompel, Julie T. Brocker, and Lori S. Schramm either (a) reduced the invention of Claims 35-44 to practice in the United States prior to November 10, 1990, or (b) conceived the invention in the United States prior to November 10, 1990, and continued activity in the United States with respect to the invention with diligence to a subsequent reduction to practice of the invention in the United States or to the filing of Application Serial No. 07/954,524, on September 30, 1992.

8. Application Serial No. 07/954,524 contained contributions by me, and I was therefore included as an inventor, even though I was not part of the original conception on which Invention Disclosure No. 9733 was based, and did not sign Invention Disclosure No. 9733.

9. Our original Application Serial No. 07/954,524, filed September 30, 1992, was based on Invention Disclosure No. 9733, and an additional Invention Disclosure.

10. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and I am warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date signed: November 6, 2003


BETSY WESTLAKE